

Ref.: BEUC-X-2023-046

Brussels, 12 April 2023

**Subject: Urgent all for action regarding generative AI systems and concerns related to their safety.**

Dear Ms. Contino, Dear members of the CSN network,

We are writing to you to share with you our concerns about the rapid development of text generators like ChatGPT, and in particular the risks they entail for the safety of consumers, including their mental health.

Given the developments in the last weeks, which clearly demonstrate a safety risk for consumers by such chatbots, we ask you to discuss this issue as a matter of urgency. These chatbots are now already widely used by consumers in Europe and they are also increasingly incorporated into products and services by businesses.<sup>1</sup> As recently reported in the media, a man committed suicide in Belgium after having been “encouraged” to do so by a chatbot. This incident shows the gravity of the impact that such products can have on public health and safety.

**Need for market surveillance authorities to start investigation the safety risks of generative AI systems**

We therefore ask the Consumer Safety Network to start an exchange of information and an investigation into the safety risks of these products.

Our call for action by the authorities is also related to the discussions we had in the CSN Sub-group on artificial intelligence (AI), connected products and other new challenges on product safety, that highlighted the mental health issues related to such software.

**Increasing evidence available on harms related to generative AI**

While such technologies can bring benefits to our economy and society, they come with big challenges and concerns that become more evident each day. Here just a few illustrations:

- As said above, consumers are using these technologies for companionship, and very sadly, a case was reported in Belgium after a man with depression and who had spent six weeks using a chatbot called Eliza committed suicide.<sup>2</sup> This led a significant number of renown AI experts to write an open letter in which they call on policy makers for urgent need for action<sup>3</sup>.

.../...

<sup>1</sup> The Verge, [Hands-on with the new Bing: Microsoft's step beyond ChatGPT](#), 8 February 2023.

<sup>2</sup> La Libre, ["Sans ces conversations avec le chatbot Eliza, mon mari serait toujours là"](#), 28 March 2023.

<sup>3</sup> Open Letter ["We are not ready for manipulative AI – urgent need for action"](#), 31 March 2023.

- Other incidents that might have disastrous impacts on mental health have been reported in the press, like the sexual harassment scandal that ChatGPT invented and that resulted in allegations against a law professor<sup>4</sup>.
- The “romantic” chatbot called Replika and that was forced to change its algorithm. As a result, its users who were simulating romantic partnership with the AI companion were left heartbroken. In this case, even though Replika never pretended that the app was anything more than an AI system, users nevertheless formed genuine bonds with it, leading to significant negative psychological impact once the developer changed how the system worked<sup>5</sup>.

As these chatbots are designed to emulate human speech patterns, behaviours and emotions, they are inherently manipulative while not predictable and under no public nor private oversight. These AI systems are also well known for not being reliable. They have a tendency to produce content that looks convincing and correct but is factually incorrect, as we can see from the above-mentioned example concerning a sexual harassment case. It also made-up fake media articles.<sup>6</sup>

### **The exacerbated risks of generative AI on vulnerable consumers**

We are particularly concerned with the impact that this technology might have on more vulnerable people such as children and teenagers who are exposed to screens and online content from a very early age. We have already very clear evidence and experience with the dangerous impact that algorithms on social media can have on teenagers and children.<sup>7</sup> These new functionalities of chatbots only exacerbate these risks.

### **Numerous complaints and public enforcement actions already kickstarted**

As you know, ChatGPT has already been subject to complaints and even investigative measures in other jurisdictions<sup>8</sup>. The civil society organisation CAIDP (Center for AI and digital Policy) has filed a complaint<sup>9</sup> to the U.S. Federal Trade Commission, in which ample evidence is provided not only of the various consumer risks, but also of the public safety and health risk and concerns for consumers. It seems that these risks have not been sufficiently assessed by the company before releasing the product on the market. In its complaint, CAIPD states: *“The GPT-4 System Card provides no detail of safety checks conducted by OpenAI during its testing period, nor does it detail any measures put in place by OpenAI to protect children.”*<sup>10</sup>

The decision of the Italian data-protection to temporarily prevent OpenAI from processing the data of Italian users<sup>11</sup> shows the seriousness of other related risks such as privacy and data security

These developments echo the recent statements by United States President Joe Biden according to which the safety of AI is still uncertain and technology firms should ensure their products are safe before releasing them to the public<sup>12</sup>.

.../...

---

<sup>4</sup> The Washington Post [“ChatGPT invented a sexual harassment scandal and named a real law prof as the accused”](#) 05 April 2023.

<sup>5</sup> The Washington Post, [They fell in love with AI bots. A software update broke their hearts](#), 30 March 2023.

<sup>6</sup> The Guardian, [ChatGPT is making up fake Guardian articles. Here’s how we’re responding](#); 6 April 2023.

<sup>7</sup> BEUC, [TikTok without filters: https://www.beuc.eu/sites/default/files/publications/beuc-x-2021-012\\_tiktok\\_without\\_filters.pdf](#)

<sup>8</sup> United Kingdom: Information Commissioners Office (ICO), [Generative AI: eight questions that developers and users need to ask](#), 3 April 2023.

<sup>9</sup> US-based civil society group CAIDP filed a complaint with the US Federal Trade Commission against ChatGPT-4 last week: [https://www.caidp.org/cases/openai/](#)

<sup>10</sup> As above, point 52 of the complaint.

<sup>11</sup> Garante per la protezione dei dati personali, [Artificial intelligence: stop to ChatGPT by the Italian SA Personal data is collected unlawfully, no age verification system is in place for children](#), 31 March 2023.

<sup>12</sup> Reuters, [Biden eyes AI dangers, says tech companies must make sure products are safe](#), 5 April 2023.

**The limitations of the AI specific regulatory framework**

While the AI Act proposal may address some of our concerns, it will only become applicable in 3 or 4 years, leaving consumers at risk of harm from a technology which is not sufficiently regulated during this interim period, which is developing at great pace and for which consumers are not prepared. It is also important to take into account that, when applicable, the AI Act will apply in its majority to high-risk AI systems. It is not clear at this stage if and how generative AI like these chatbots will be regulated. This increases the role of safety authorities, who will be responsible for ensuring that all AI systems, regardless of whether they are regulated or not by the AI Act, are safe and compliant with product safety rules.

The seriousness of the concerns should lead to immediate investigation by market surveillance authorities, co-ordinated at EU level. Coordination of different authorities as well as services in the European Commission will be required to thoroughly assess the risks of ChatGPT and similar chatbots for European consumers. These AI systems need greater public scrutiny and public authorities must reassert control over them.

We look forward to your response. We are of course at your disposal for any further question. In the meantime, we will remain attentive to any question or complaint received by our member organisations, as well as other civil society organisations and national authorities.

Best regards,

Monique Goyens  
Director General

Ursula Pachi  
Deputy Director General